

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

2007 AUG -8 P 2:49

JOHN G. PEDICINI,

Plaintiff,

-vs-

UNITED STATES OF AMERICA  
ET AL.,

Defendants.

U.S. DISTRICT COURT  
DISTRICT OF MASS.

CIVIL ACTION NO. 04-12395-JLT

PLAINTIFF'S OBJECTION TO DEFENDANTS' EXHIBIT 4  
(BATES-STAMPED US0015) LETTER FROM DOUGLAS  
MACALLISTER DATED MAY 28, 2002

Plaintiff hereby objects to Defendants use of Exhibit 4<sup>1</sup>, a letter from Douglas MacAllister, dated May 28, 2002. This is a self-serving document in which Douglas MacAllister attempts to appoint himself as a certifying officer (See letter attached hereto as Exhibit A). Defendants' own witness, Frances Zorn has testified that she never re-delegated the authority to MacAllister in order to execute such an agreement (See Zorn Deposition,

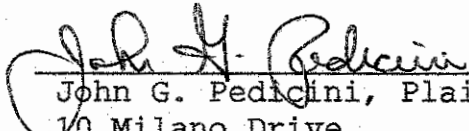
<sup>1</sup> Number based on Defendants' Amended Disclosures, filed on 8/01/2007

pp. 199-202, attached hereto as Exhibit B). This document should be excluded as inadmissible hearsay and irrelevant.

**CONCLUSION**

For the foregoing reasons, Plaintiff respectfully requests this Court to exclude Exhibit 4, letter dated May 22, 2002 from Douglas MacAllister, Bates-Stamped US0015.

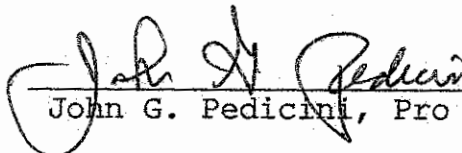
Respectfully submitted,

  
\_\_\_\_\_  
John G. Pedicini, Plaintiff Pro Se  
10 Milano Drive  
Saugus, MA 01906  
781-248-1385

8/8/07  
Date

**CERTIFICATION UNDER L.R. 7.1**

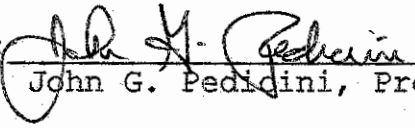
I certify that in accordance with Local Rule 7.1, I have conferred with Defendants' counsel and have attempted in good faith to resolve the issues addressed in this Motion on August 8, 2007 and that we were unable to resolve the issues set forth in this motion.

  
\_\_\_\_\_  
John G. Pedicini, Pro Se

8/8/07  
Date

**CERTIFICATION OF SERVICE**

Pursuant to L.R.5.2(b), I hereby certify that a true copy of the above document was served on the Defendants on August 8, 2007, via U.S. Government email system to: Gina Walcott-Torres, Assistant U.S. Attorney, Moakley Courthouse, 1 Courthouse Way, Suite 9200, Boston, MA 02210.

By:   
John G. Pedicini, Pro Se

8/8/07  
Date

# EXHIBIT A

JAN-06-2005 16:04

FNS NERO RA

617 565 6473

P.04/09



**United States  
Department of  
Agriculture**

Food and  
Nutrition  
Services

Northeast Region

10 Causeway St.  
Room 501  
Boston, MA 02222

FSP/IF-FM

May 28, 2002

SUBJECT: FPA Certifying Officer

TO: Memorandum for the Record

This memorandum reaffirms and extends Marty Hines duties as Certifying Officer for NERO's management control of FPA funds.

Marty has served effectively in this capacity for many years.

When Marty is absent, either Joseph Stanco or I will serve as alternate Certifying Officer.

*Douglas A. MacAllister*  
Douglas A. MacAllister  
Director, Financial Management  
FNS, Northeast Region

# EXHIBIT B

1

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Civil Action  
No. 04-12395 JLT

DORIS O. WONG ASSOCIATES, INC.

1 authority, right?

2 A. Yes.

3 Q. And you identified a document, which is  
4 Defendants' Exhibit 7, in which your predecessor,  
5 Harold T. McLean, designated himself with this  
6 authority, correct?

7 A. Yes.

8 Q. Did you ever delegate this authority to  
9 yourself?

0 A. Me specifically? No. But I think this was  
1 related to a new process -- this talks about a new  
2 delegation pursuant to a functional reorganization.  
3 So I don't believe I have to have -- I don't have to  
4 delegate to myself the FNS instructions talking  
5 about the regional administrators being able to  
6 delegate these assignments.

7 Q. So it was your understanding that the  
8 regional administrator would not have to delegate to  
9 him or herself, but would have the power to delegate  
0 to others?

1 A. Yes.

2 Q. Now, did you ever delegate to Douglas  
3 MacAllister your delegation authority?

4 A. Not in so many words.

200

1 Q. So you never did that?

2 A. I never wrote him a letter saying that, no.

3 Q. So you never did anything to confer your  
4 delegation authority upon anybody but yourself,  
5 correct?

6 A. Yes.

7 Q. As far as you know, none of your  
8 predecessors, including Mr. McLean, ever delegated  
9 to Douglas MacAllister their delegating authority,  
10 correct?

11 MR. WILMOT: Objection.

12 A. I don't know if they did or didn't.

13 Q. But you have no knowledge of any of your  
14 predecessors providing Douglas MacAllister their  
15 delegating authority, right?

16 MR. WILMOT: Objection.

17 A. I don't know or not know that.

18 Q. Well, do you have any document that shows  
19 any of your predecessors delegating to Douglas  
20 MacAllister their right to delegate fund  
21 certification officers?

22 A. As far as I know, no.

23 Q. So as far as you know, Douglas  
24 MacAllister's delegation of authority is

1 unauthorized, right?

2 MR. WILMOT: Objection.

3 A. Since he is the accountable entity for  
4 financial management, he does hold a general  
5 delegation of financial management responsibilities,  
6 so I wouldn't call -- what was the word?

7 Q. "Unauthorized."

8 A. I wouldn't call it unauthorized, but I  
9 wouldn't call it formally authorized, either.

10 Q. So at least his delegating of these  
11 responsibilities is somewhat questionable, correct?

12 MR. WILMOT: Objection.

13 A. Questionable in what way?

14 Q. The authorization for him delegating  
15 certifying rights is of a somewhat mirky area?

16 MR. WILMOT: Objection.

17 A. There is not the clearest documented trail  
18 of it, if that's what you mean.

19 Q. Okay, fine. Now, you show in Exhibit 9  
20 that you personally delegated authority to Marty  
21 Hines to approve individual trip-by-trip  
22 authorizations for Type C.

23 A. Yes.

24 Q. Now, this was not general authority to

1 approve fund requests or certifying funds, correct?

2 This is just a very narrow authorization?

3 MR. WILMOT: Objection.

4 A. It's not the same as certifying funds, but  
5 it is a delegation of a function that does in the  
6 end obligate money.

7 Q. Okay. So this document does not delegate  
8 authority to certify funds, correct?

9 A. No.

10 Q. It's a document that in your mind is  
11 related to that function, but it is not that  
12 function, right?

13 MR. WILMOT: Objection.

14 A. It's related to that function, yes.

15 Q. But it's not that function?

16 A. Not in its entirety.

17 Q. Is it in part that function?

18 A. In part, yes.

19 Q. But not in its entirety. So back in 1998,  
20 you didn't find the need to provide written  
21 authorization to Marty Hines of certifying funds  
22 authority in its entirety?

23 A. You know, I don't know what exactly  
24 precipitated that particular signature of mine. It